

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARILYN KUNELIUS,

Plaintiff,

v.

TOWN OF STOW, et al.

Defendants.

Civil Action No. 05-11697-GAO

**ASSENTED-TO MOTION FOR
EXTENSION OF TIME TO ANSWER THE COMPLAINT**

Defendants Town of Stow, The Trust for Public Land, and Craig A. MacDonnell (collectively, the “Defendants”) hereby move for an extension of time to answer the Complaint to, and including, **June 30, 2006**. Plaintiff Marilyn Kunelius has assented to this request for an extension. As grounds for this motion, Defendants state as follows:

1. The Summons and Complaint in this matter were served upon Defendants on or about August 16, 2005. The Complaint alleges seven counts against the Defendants, including common law tort and contract claims, claims under Mass. Gen. Laws Chapter 93A, and a federal law claim under 42 U.S.C. § 1983 for alleged violations of the Fifth and Fourteenth Amendments of the United States Constitution. The Complaint is 25 pages long, contains 104 numbered paragraphs, and attaches 12 exhibits.

2. Defendants promptly moved to dismiss the Complaint in its entirety on September 29, 2005. The Court heard oral argument on the Motion to Dismiss on December 15, 2005.

3. On May 18, 2006, the Court issued a Memorandum and Order granting the Motion to Dismiss in part and denying the Motion to Dismiss in part.

4. In order to adequately answer the six remaining allegations in the Complaint, and in light of various scheduled absences of counsel surrounding the Memorial Day holiday, Defendants seek an extension to June 30, 2006 to answer the Complaint.

5. Defendants have conferred with plaintiff's counsel and plaintiff has assented to this extension of time. Defendants have agreed that this extension need not delay scheduling of the Rule 26(f) discovery conference or the exchange of required Initial Disclosures in accordance with the requirements of Rule 26(a).

WHEREFORE, Defendants respectfully request that the time within which Defendants must answer the Complaint be extended to, and including, **Friday, June 30, 2006**.

Respectfully submitted,

THE TRUST FOR PUBLIC LAND

CRAIG A. MACDONNELL,

By its attorneys,

By his attorneys,

/s/ Dahlia S. Fetouh
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THE TOWN OF STOW

By its attorneys,

/s/ Deborah I. Ecker
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Dated: May 26, 2006

LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

I, Dahlia S. Fetouh, certify pursuant to Local Rule 7.1(A)(2) that I have conferred in good faith with opposing counsel on the matter set forth herein and that opposing counsel has granted his assent to this motion.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 26, 2006.

/s/ Dahlia S. Fetouh

Dahlia S. Fetouh

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